

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

IN RE: : CHAPTER 13
: :
AXA XIOMARA SPENCER : CASE # 19-20262-SACCA
Aka AXA XIOMARA HUGHEY, :
Debtor

MOTION TO WITHDRAW AS COUNSEL

COMES NOW, Barbara Cole and the law firm, Barbara Cole Attorney at Law, LLC, Counsel for the Debtor, and moves this court for an Order permitting her withdrawal as counsel for the above named Debtor due to a conflict. In support of this Motion, Counsel shows the court as follows:

1.

Debtor's counsel and the law firm, Barbara Cole Attorney at Law, LLC, has notified the Debtor of their intent to withdraw, I have found a conflict and will be withdrawing my representation of the Debtor in this case.

2.

Debtor has been notified of the following:

- a) The Bankruptcy Court retains jurisdiction of the action;
- b) The Client will have the obligation to promptly file with the Bankruptcy Court, and mail to all adverse parties or their counsel, a written statement showing (A) the names of the parties and the number of each case, adversary proceeding, or contested matter in which the Client is a party and (B) the Client's current name, telephone number, mailing address, and e-mail address, and that the statement must be amended promptly if the Client's name, telephone number, mailing address, or e-mail address changes;
- c) The Client will have the obligation to respond to any discovery or motions, to take other actions as are appropriate or required, and to prepare for any trial or hearing that may be scheduled in any matter, or to hire other counsel to do so;
- d) The failure or refusal of the Client to meet these obligations may result in

adverse consequences;

- e) Service of notices, pleadings, and other papers may be made upon the Client at the Client's last known address;
- f) The Client has the burden of keeping the Court informed respecting where notices, pleadings or other papers may be served;
- g) The Client has the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;
- h) If the Client fails or refuses to meet these burdens, Client may suffer adverse consequences;
- i) The dates of any scheduled proceedings, including trial and the holding of such proceedings, will not be affected by my withdrawal; and
- j) The Client has the right to object to this withdrawal within fourteen (14) days of the date of this letter, unless said withdrawal is with Client's consent.

3.

All future notices may be sent to Debtor's last known address at 125 Dickerson Rd, Dahlonaga, GA 30533-4718.

4.

The undersigned counsel hereby certifies that she has met the notification requirements of the Bankruptcy Rules.

Respectfully submitted, this 3rd day of April, 2024

/s/Barbara Cole
Georgia Bar # 146400
Attorney for the Debtor

9735 Emery Dr.
Gainesville, GA 30506
678-971-9088
bcoleattorney@gmail.com



Barbara Cole

Attorney at Law, LLC

9735 Emery Dr. Gainesville, GA 30506

email: bcoleattorney@gmail.com

phone: 678-971-9088

April 3, 2024

Axa Spencer
125 Dickerson Rd.
Dahlonega, GA 30533-4718

Re: Bankruptcy case # 19-20262-Sacca

Dear Ms. Spencer :

This letter is to notify you, that I will be unable to continue to represent you in your above referenced Chapter 13 case any further. I have found a conflict and therefore will be withdrawing from your case and will no longer represent you. Please be advised of the following:

- a) The Bankruptcy Court retains jurisdiction of the action;
- b) The Client will have the obligation to promptly file with the Bankruptcy Court, and mail to all adverse parties or their counsel, a written statement showing (A) the names of the parties and the number of each case, adversary proceeding, or contested matter in which the Client is a party and (B) the Client's current name, telephone number, mailing address, and e-mail address, and that the statement must be amended promptly if the Client's name, telephone number, mailing address, or e-mail address changes;
- c) The Client will have the obligation to respond to any discovery or motions, to take other actions as are appropriate or required, and to prepare for any trial or hearing that may be scheduled in any matter, or to hire other counsel to do so;
- d) The failure or refusal of the Client to meet these obligations may result in adverse consequences;
- e) Service of notices, pleadings, and other papers may be made upon the Client at the Client's last known address;
- f) The Client has the burden of keeping the Court informed respecting where notices, pleadings or other papers may be served;
- g) The Client has the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;
- h) If the Client fails or refuses to meet these burdens, Client may suffer adverse consequences;

- i) The dates of any scheduled proceedings, including trial and the holding of such proceedings, will not be affected by my withdrawal; and
- j) The Client has the right to object to this withdrawal within fourteen (14) days of the date of this letter, unless said withdrawal is with Client's consent.

As I have stated in my other correspondence with you, I strongly advise you to seek another attorney to assist you. Please be advised from this point forward, it is your responsibility to make sure that all deadlines are met, and it is your responsibility to check with the court for any court date or case information regarding your case. My office will not do any further work on your case.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Cole". The signature is written in dark ink and is positioned above the printed name and title.

Barbara Cole
Attorney at Law

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

IN RE: : CHAPTER 13
: :
AXA XIOMARA SPENCER : CASE # 19-20262-SACCA
Aka AXA XIOMARA HUGHEY, :

Debtor

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Debtor with a copy of the foregoing Motion to Withdraw as Counsel in the above styled case by depositing a copy of the same in the United States mail in an appropriately addressed envelope with adequate postage thereon as follows:

Axa X. Spencer
125 Dickerson Rd.
Dahlonega, GA 30533-4718

All creditors on the attached Matrix

I further certify the following party was served via ECF electronic noticing system:

Eric Roach, Esq
for Nancy J. Whaley
Standing Chapter 13 Trustee
303 Peachtree Center Ave.
Suite 120
Atlanta, GA 30303

This 3rd day of April, 2024

/s/Barbara Cole
GA Bar # 16400
Attorney for the Debtor
9735 Emery Dr.
Gainesville, GA 30506
678-971-9088
bcoleattorney@gmail.com

CREDITORS MATRIX

Coleman, Chambers, Rogers & Williams, LL
1370 Thompson Bridge Rd.
Gainesville. GA 30501-1780

Georgia Dept. of Revenue
Accounts Receivable Collection
1800 Century Blvd., NE Ste 9100

IRS
401 W. Peachtree St, NE
Room 400
Atlanta, GA 30308-3510

Lumpkin County Tax Commissioner
99 Courthouse HI Ste E
Dahlonega, GA 30533-0541

Recievables Performance Management
P.O. Box 1548
Lynnwood, WA 98046-1548

Reginal Hughley
5614 Hwy 52 West
Dahlonega, GA 30533

Regions Bank
P.O. Box 18001
Hattiesburg, MS 39404-8001

United Community Bank
206 Morrison Moore Parkway
Dahlonega, GA 30533-1400

United Community Bank
Sites & Harbinson, PLLC
303 Peachtree St., NE Suntrust Plaza
Atlanta, GA 30308